

**POLICY AND LAW COMMITTEE MEETING
MARCH 15, 2007 – 1 PM
DE PUBLIC ARCHIVES BLDG. – DOVER, DE**

Present: Brian Hartman, DLP; Daniese McMullin-Powell, SCPD; Jamie Wolfe, Consumer; Doyle Dobbins, DELARF; Brian Bard, Consumer; Tim Brooks, CDS; Wendy Strauss, GACEC; Pat Maichle, DDC; Bob Osgood, SCPD; Carolanne O'Brien, DVR Regina Byers, GCAAPD; Tony Horstman, Parent; Marge Turner, UCP; Kyle Hodges, Staff.

Absent: Victor Orija, Ombudsman's Office; Ray Brouillette, Easter Seals; Norwood Coleman, Family Member; Cookie Austin, Parent; Rita Landgraf, SCPD; Karen Lazar, Ombudsman's Office; Chris Long, DHSS/DDDS; Liz Schantz, Consumer

CALL TO ORDER

Daniese McMullin-Powell called the meeting to order at 1:10 PM.

ADDITIONS OR DELETIONS TO THE AGENDA

Jamie added the 2007 Public Policy Seminar and the "Cigarette Tax" Bill. Pat added the group home for people with inappropriate sexual behaviors. Brian Hartman added the accessory dwelling unit ordinance.

APPROVAL OF MINUTES

The minutes from the October 2006 meeting were approved as submitted.

REVIEW OF BILLS AND REGULATIONS

1. DMMA Final Retirement Funds Regulation [10 DE Reg. 1436 (3-1-07)] – It was agreed to write a thank you letter to DMMA for considering Council's comments and noting a technical error.
2. DMMA Final LTC Transfer of Assets Regulation [10 DE Reg. 1439 (3-1-07)] – It was agreed no further action was needed.
3. DOE Final Extracurricular Activities Regulation [10 DE Reg. 1433 (3-1-07)] - It was agreed no further action was needed.
4. DOE Final Early Childhood Teacher Certification Reg. [10 DE Reg. 1434 (3-1-07)] - It was agreed no further action was needed.
5. DOE Final DSTP Regulations [10 DE Reg. 1425 (3-1-07)] - It was agreed no further action was needed.

6. DMMA Prop. Home Equity Medicaid Disqualification Reg. [10 DE Reg. 1373 (3-1-07)] – Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo.

7. DSS Final Food Stamp/TANF Disqualification Regulation [10 DE Reg. 1441 (3-1-07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo noting that the amendments do not achieve consistency in the final regulations.

8. DSS Prop. “Work for Your Welfare” Regulations [10 DE Reg. 1398 (3-1-07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo.

9. DSS Prop. Food Stamp Employment & Training Program Reg. [10 DE Reg. 1401 (3-1-07)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo.

10. DSS Proposed Child Care Subsidy Regulation [10 DE Reg. 1396 (3-1-07)] – It was agreed that no action was needed.

11. DSS Proposed Citizenship Regulations [10 DE Reg. 1389 (3-1-07)] – It was agreed that no action was needed.

12. Dept. Of Insurance Prop. Young Adult Insurance Regulation [10 DE Reg. 1403 (3-1-07)] – Motion was made, seconded and approved for SCPD write a letter endorsing the regulations. In addition, Kyle will follow-up with Matt Denn on possible amendments to HB 446 regarding the reference to “institution of higher education” being limiting.

13. DOE Proposed Special Education Regulations [10 DE Reg. 1365 (3-1-07)] - It was agreed that no action was needed.

14. DPH Proposed Personal Assistance Services Agencies Regulations [10 DE Reg. 1376 (3-1-07)] - Motion was made, seconded and approved for SCPD write a letter consistent with Brian’s memo. The letter will also note that SCPD certainly appreciates DPHs consideration of Council’s previous comments, but we still have residual observations and recommendations that may have been overlooked.

15. H.B. 65 (Trans Fat Ban in Schools) - Motion was made, seconded and approved for SCPD write a letter consistent with Brian’s memo endorsing the bill subject to the clarification of coverage.

16. H.B. 71 (Repeal of Mandatory Minimum Sentences for Drug Offenses) - Motion was made, seconded and approved for SCPD write a letter consistent with Brian’s memo endorsing the bill. The letter will also endorse the comments from The News Journal.

17. H.B. 32 (Repeal of Mandatory Sentencing Increases for “Repeat” Drug Offenses)
Motion was made, seconded and approved for SCPD write a letter consistent with Brian’s memo endorsing the bill for the reasons cited in support of H.B. 71. Given the relationship between the two bills, the Committee left it to Kyle’s discretion whether to issue a single letter addressing both H.B. 71 and H.B. 32.

***Please note that H.B. 32 was stricken on March 15; therefore, only a single letter regarding H.B. 71 was written.

18. H.B. 47 (Hospital Infections Disclosure Act) - there was discussion regarding what type of facilities are covered (e.g. surgery centers or state facilities such as DPC; Stockley Center; Emily Bissel; Governor Bacon and DHCI). It was noted that these may not be “acute care” facilities referenced in the qualifying definition of facilities that are covered by this legislation. It was agreed to recommend that the definition of “hospital” include state operated facilities, including DPC; Stockley Center; Emily Bissell; Governor Bacon and DHCI.

19. S.B. 5 (Stem Cell Research) – H.B 76 was briefly discussed and it was noted that bill is intended to ban cloning. Kyle read Chris Long’s comments which indicated other effects of the bill. It was agreed to add language in the comments on S.B. 5 that reflects the following: some individuals with disabilities may choose not to take advantage of the potential benefits of stem cell research. For many individuals, disability is part of their identity and they are proud of who they are. Therefore, Council believes that services for individuals with disabilities will continue to be needed and encourages Delaware not to always focus on “curing” an individual who may opt not to take advantage of the benefits that stem cell research may afford in the future. Motion was made, seconded and approved for SCPD to endorse S.B. 5 with the aforementioned comments.

OTHER BUSINESS

- Jamie reported that CDS will be sponsoring a “Workworld” training on March 23rd which will include the impact of employment on benefits such as Medicaid, SSI, SSDI, food stamps, etc.
- Kyle noted that there was information on the Community Choice Act included in today’s materials. Daniese informed the Committee that this will be discussed at the full SCPD meeting on March 19.
- Jamie reviewed the 2007 Disability Policy Seminar which included 13 initiatives developed by some national organizations (e.g. The Arc, UCP). The initiatives include direct support professionals, employment, housing; and Medicaid. The intent is for states to present these issues to their congressional delegation. Jamie asked if SCPD wanted to participate in a meeting with Delaware’s congressional delegation. The Committee agreed that SCPD should participate.
- Jamie recommended that the Committee review the “cigarette tax” bill since the Medicaid Buy-in and other health issues are tied to this bill.
- Pat reported that at last year’s JFC Hearings, DDDS indicated it wanted to establish a group home in Sussex County for people with sexually inappropriate behavior. The

proposed plan is now to develop the group home in the cottages at Governor Bacon Health Center. It was agreed to contact Secretary Meconi to determine the appropriate Division/representative to attend a meeting to discuss this issue, including clarification of eligible persons for this program (e.g. those dually diagnosed with mental health and developmental disabilities; those that have not been adjudicated v. those that have).

- Kyle referenced information on ADUs in the materials provided today. Brian reported that the New Castle County accessory dwelling unit ordinance may not have enough votes to pass. Kyle reported that the Land Use Dept. supports such legislation, but the Planning Board does not. The County Council will address this issue and possibly vote at its March 27 meeting. Brian has provided the President of the County Council with possible compromises which were provided to the Committee. Brian encouraged other agencies to write letters of support and also encouraged participation at the March 27th meeting.

ADJOURNMENT

The meeting was adjourned at 3:20 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
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